

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KIMBERLY HANCOCK and WILLIAM HANCOCK,
H/W

Plaintiffs

vs.

UNITED STATES OF AMERICA

Defendant

:
: CIVIL ACTION
:
:
: CASE NO:
:
: **COMPLAINT**
:
:

Plaintiffs, Kimberly Hancock and William Hancock, are adult individuals, residing at 1300 North Portofino Drive, Sarasota, FL, 34242 and at all times material hereto are husband and wife, by way of Complaint against the defendant avers as follows:

I. STATEMENT OF JURISDICTION

1. Jurisdiction is based upon the Federal Tort Claims Act 28 U.S.C. §1346(b)(1).
2. The incident at issue occurred on January 14, 2020.
3. Plaintiffs served two Standard Form 95 Notices of Claim, for each plaintiff, as per the Federal Tort Claims Act, which was received by the United States Postal Service on January 13, 2022. As of the date of the filing of this Complaint, defendant, while acknowledging timely receipt of the Standard Form 95 Notice of Claims, has not denied plaintiff's claims, however, at least six (6) months has passed from the date of service and receipt of the Federal Tort Claims Notice and therefore, as per 28 U.S.C. §2675(a), plaintiff is timely filing this Complaint.

4. The incident at issue, which is set forth more fully herein, occurred inside the United States Post Office Building located at 1103 Shore Road, Linwood, New Jersey 08221 and therefore, the venue properly lies in the United States District Court for the District of New Jersey as per 28 U.S.C. §1402(b)

II. PARTIES

5. Plaintiffs, Kimberly Hancock and William Hancock, husband and wife, are adult individuals and currently reside at 1300 North Portofino Drive, Sarasota, FL 34242.

6. The United States of America (hereinafter referred to as United States”) has as one of its departments, the United States Post Office.

FIRST COUNT

7. On or about January 14, 2020, plaintiff, Kimberly Hancock, lawfully entered the United States Post Office Building located at 1103 Shore Road, Linwood, NJ as a business invitee, customer, and patron and upon entering the front door, plaintiff proceeded forward and after walking over and past an entry mat, she was caused to slip and fall on a clear and wet liquid on the uncovered floor.

8. At all times material hereto, upon information and belief, defendant, United States, owned and/or leased the premises located at 1103 Shore Road, Linwood, NJ.

9. At all times material hereto, upon information and belief, defendant, United States owned and/or leased and/or was in exclusive control of and/or was responsible for the maintenance and upkeep of the premises, including but not limited to inside the premises located at 1103 Shore Road, Linwood, NJ.

10. Defendant, United States was negligent, either individually, jointly and/or by and through their agents, employees, contractors and/or assigns in the following respects:

(a) defendant negligently failed to reasonably inspect the said premises to keep said premises reasonably safe from foreseeable risks of harm, such as the dangerous condition described herein, for foreseeable business invitees, customers and/or patrons such as plaintiff, Kimberly Hancock.

(b) defendant knew and/or should have known of the aforesaid dangerous condition inside the aforesaid premises and negligently failed to warn and/or adequately warn and keep safe business invitees, customers and/or patrons and foreseeable pedestrians, such as plaintiff, Kimberly Hancock.

(c) defendant negligently failed to maintain the said floor of the aforesaid premises, including but not limited to keeping said floor safe and dry for foreseeable business invitees, customers and/or patrons, including plaintiff, Kimberly Hancock.

(d) defendant negligently permitted an unreasonably dangerous condition to exist on the floor of said premises for an unreasonable period of time.

(e) defendant negligently failed to inspect and/or discover and/or remedy the aforesaid dangerous conditions of the premises when defendant knew or should have known of the existence or likelihood of the existence of same.

11. As a direct and proximate result of the negligence and carelessness of the defendant, United States, plaintiff, Kimberley Hancock, was caused to slip and fall sustaining severe, painful and permanent bodily injuries, including but not limited to a herniated disc at L5-S1 requiring surgical intervention, has incurred and in the future will incur medical expenses, and treatment in an effort to cure herself of her injuries, and was otherwise prevented from attending to her regular pursuits, employment, duties and obligations and has endured great pain and suffering and mental anguish, and the ability to enjoy life's pleasures.

WHEREFORE, plaintiff, Kimberley Hancock demands judgment in her favor and against defendant, The United States, for all damages recoverable in accordance with all applicable laws, including but not limited to compensatory damages, together with interest and costs of suit.

SECOND COUNT

1. Plaintiffs incorporate paragraphs 1 through 11 of plaintiffs' Complaint as if same were more fully set forth herein at length.

2. Plaintiff, William Hancock, at all times material hereto is the husband of plaintiff, Kimberley Hancock.

3. As a result of the aforesaid negligence of defendant, United States and/or the liability of defendant United States as a result of the negligence of defendant, United States as aforesaid, all

of which resulted in injuries, personal injuries and damages to his wife, plaintiff, Kimberley Hancock, plaintiff, William Hancock has been deprived of the care, services, and consortium of his wife.

WHEREFORE, plaintiff, William Hancock demands judgment in his favor and against defendant, The United States, for all damages recoverable in accordance with all applicable laws, including but not limited to compensatory damages, together with interest and costs of suit.

LAW OFFICES OF RICHARD A. STOLOFF

Date: April 6, 2023

BY: /s/ Richard A. Stoloff
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